

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TENDLER CELLULAR OF TEXAS, LLC

Plaintiff,

V.

MERCEDES-BENZ USA, LLC

Defendant.

CIVIL ACTION NO. 6:11-cv-178

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

Plaintiff Tendler Cellular of Texas, LLC and Defendant Mercedes-Benz USA, LLC, pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims that were asserted or that could have been asserted in this action **WITHOUT PREJUDICE**, with each party to bear its own costs, expenses and attorneys' fees.

October 10, 2012.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2012, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ David A. Skeels